

1 DAVID R. PAOLI
2 PAUL M. LEISHER
3 PAOLI LAW FIRM, P.C.
4 257 W. Front, Suite A
5 Missoula, MT 59802
6 Telephone: 406-542-3330
7 Facsimile: 406-542-3332
8 davidpaoli@paoli-law.com
9 paulleisher@paoli-law.com
10 *Attorneys for Plaintiff*

FILED Dec. 21 2018

Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY T. Fisher
DEPUTY

MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
SANDERS COUNTY

[REDACTED], and) Cause No.: DV 18-127
[REDACTED],) Dept. No.: 2
PLAINTIFFS,) **D. KIM CHRISTOPHER**
v.)
REFLECTIONS ACADEMY, INC.,)
MICHELE MANNING, CHAFFIN)
PULLAN and DOES 1-10,)
DEFENDANTS.)

Plaintiffs, through counsel of record, for their Complaint against Defendants Reflections Academy, Inc., Michelle Manning, Chaffin Pullan and Does 1-10, states and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiffs [REDACTED] and [REDACTED] are the parents and guardians of their minor child, [REDACTED], (collectively, "the [REDACTED] Family"). [REDACTED] paid tuition to Reflections

1 Academy Inc. and [REDACTED] attended Reflections. Reflections Academy, Inc.
2 provided individual and group therapy to the Buckles Family.

3 2. [REDACTED] was a student at Reflections Academy, Inc. She presently
4 resides in Indiana. At the times pertinent to this Complaint, she was a resident of
5 Sanders County, Montana and living at a residential facility operated by
6 Reflections Academy, Inc.

7 3. Defendant Reflections Academy, Inc. ("Reflections") is a Montana
8 Corporation with its principal place of business at 171 Harlow Rd., Thompson
9 Falls, Sanders County, Montana. Reflections held itself out as a therapeutic
10 boarding school for teenage girls.

11 4. Defendant Michele "Mickey" Manning ("Manning") is an individual
12 who resides in Sanders County, Montana. Manning is an owner and an employee
13 of Reflections. She is identified on the Reflections website as its executive
14 director. She also represented herself to students and their parents as a therapeutic
15 professional. At all times pertinent, she operated Reflections and managed its
16 employees. She had operational responsibility for all aspects of Reflections
17 including both its therapeutic and scholastic aspects. Manning communicated
18 regularly with the [REDACTED] Family about enrollment of [REDACTED], tuition
19 obligations and the services to be provided by Reflections to the [REDACTED] Family.
20
21
22
23
24

5. Defendant Chaffin Pullan (“Chaffin”) is an individual who resides in Sanders County, Montana. Chaffin is affiliated with Reflections.

6. Does 1-10 are individuals or entities who were involved with provision of professional services to Reflections as advisors, subcontractors or employees.

7. During the time [REDACTED] was attending Reflections, Chaffin was employed by Reflections.

8. Upon information and belief, during the time [REDACTED] was attending Reflections, Chaffin was a shareholder of Reflections.

9. The tortious acts alleged in this Complaint occurred in Sanders County, Montana.

10. Jurisdiction is proper in this Court.

11. Venue is proper in this Court.

COUNT ONE (Professional Negligence)

12. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

13. [REDACTED] attended Reflections from February through August of 2018.

14. Reflections held itself out as providing professional services for students, including [REDACTED], and their family members. These included, without

1 limitation, therapy, boarding, schooling, organization and supervision of
2 extracurricular activities and provision of a “home-like” environment.
3

4 15. Reflections held itself out as offering a “unique residential program”
5 that was a “safe haven for struggling teenage girls and their families.”
6

7 16. Reflections held itself out as competent to help girls “conquer
8 behavioral problems such as anger, addictions, disrespect, low self-esteem,
9 attachment disorders, anxiety and depression.”
10

11 17. On its website, Reflections specifically recognized the heightened
12 risks of sexual acting out for struggling teenage girls and marketed itself as a
13 school that was capable of providing therapeutic services to deal with such risks.
14

15 18. Reflections represented itself as “fully licensed,” and having a “highly
16 experienced staff.” It claimed to provide “high-quality, experienced therapeutic
17 services and a comprehensive, fully accredited education program.”
18

19 19. In its website and communications with students and parents,
20 Reflections claimed to have a “program.” It purported to offer a “highly-structured
21 environment” that cultivated personal care, self-esteem, responsibility, consistency
22 and dependability.
23

24 20. In its website, Reflections claimed to offer “a safe space” to girls.
25

26 21. [REDACTED] enrolled [REDACTED] in Reflections and paid tuition and
27 other valuable consideration to Reflections.
28

1 22. Reflections and the other Defendants who were involved in
2 ████████'s care owed a duty to █████ to provide professional services in a
3 manner consistent with the representations it made on its website and in
4 conformance with the standard of care expected of like professional services
5 providers.
6

7 23. Defendants failed to live up to that duty, causing damages to the
8 ████████ Family.
9

10 24. Defendants' failures included, but are not limited to: 1) failing to
11 implement a therapeutic program conforming the representations made by
12 Reflections; 2) failing to implement a therapeutic program conforming to any
13 generally accepted therapeutic methodology or standard of care; 3) failing to
14 implement adequate safeguards to ensure the safety of students; 4) failing to
15 provide therapy as represented; 5) failing to provide appropriate supervision of
16 extracurricular activities; 6) hiring and retention of unqualified personnel; 7)
17 allowing unqualified personnel to become involved in provision of therapy to girls
18 to the detriment of the therapy; 8) failing to ensure that staff, particularly Chaffin,
19 were adequately trained and supervised resulting in Chaffin's inappropriate
20 communications to girls including sharing of pornographic images, inappropriate
21 physical contact causing emotional injury, inappropriate counselor-client
22 relationships, and grooming of █████ and other students to conform to sexual
23
24

1 relationships Chaffin was engaged in with at least one other student. All of the
2 foregoing failures occurred and impacted [REDACTED] directly in the course of the
3 professional services rendered to her.

4
5 25. As a result of the failures identified above, and others which may be
6 revealed in the course of discovery, Defendants committed professional
7 negligence.

8
9 26. Defendants' professional negligence caused damages general and
10 special to the [REDACTED] Family including without limitation, emotional injury,
11 therapeutic setbacks, enhanced need for future therapeutic care and loss of tuition.

12
COUNT TWO (Consumer Protection Act)

13 27. Plaintiffs reallege all allegations of the Complaint as if fully set forth
14 herein.

15 28. The Montana Consumer Protection Act renders unfair or deceptive
16 acts or practices in the conduct of any trade or commerce unlawful. Mont. Code
17 Ann. § 30-14-103.

18 29. The [REDACTED] Family is a consumer. Defendants supplied professional
19 services to them primarily for their personal, family or household purposes.

20 30. Defendants engaged in acts which caused and were likely to cause
21 substantial injury to consumers, including the [REDACTED] Family.

31. Defendants engaged in acts or practices by making representations, omission and engaging in practices that did and were likely to mislead consumers like the ██████████ Family.

32. The ██████████ Family's interpretation and understanding of the representations, omissions, and practices of Reflections were reasonable under the circumstances.

33. Defendants' misleading representations, omissions and practices were material to the [REDACTED] Family's enrollment of [REDACTED] at Reflections.

34. Defendants made false representations as to the characteristics, benefits, and other qualities of Reflections' therapeutic boarding program.

35. Defendants advertised Reflections' professional services with intent not to provide them as advertised.

36. Defendants violated the Montana Consumer Protection Act causing damages general and special to the ██████████ Family.

37. Pursuant to Mont. Code Ann. § 30-14-133, Defendants are liable for Plaintiffs' damages, attorney's fees incurred in this suit and treble damages.

COUNT THREE (Negligent Misrepresentation)

38. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

39. Defendants made representations of fact to the [REDACTED] Family in order to induce [REDACTED]'s enrollment at Reflections.

40. The representations, including but not limited to those identified in ¶¶ 14-19 were false.

41. The ██████████ Family had reasonable grounds for believing them to be true.

42. The representations were made with the intent that the [REDACTED] Family would rely on them.

43. The [REDACTED] Family was unaware of the falsity of the representations and acted in reliance thereon.

44. The [REDACTED] Family justifiably relied on the representations and sustained damages general and special as a result.

COUNT FOUR (Piercing the Corporate Veil)

45. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

46. Upon information and belief, Reflections was used as an alter ego entity for the other Defendants, particularly Chaffin, who held himself out as an “owner,” paying expenses associated with housing, food, entertainment, and other personal expenses. Additionally, Defendants accepted tuition from parents to Reflections and, upon information and belief, used these funds to support other

business or personal ventures. Discovery will likely result in identification of additional alter ego abuses.

47. Reflections was used by the other Defendants as a subterfuge to defeat public convenience, justify wrong or perpetrate fraud.

48. This is an appropriate case for piercing of the corporate veil. The individual Defendants' personal assets should answer in whole or in part for any judgment against Reflections in this case.

COUNT FIVE (Fiduciary Duties)

49. Plaintiffs reallege each of the other paragraphs of this Complaint as if fully set forth herein.

50. [REDACTED] reposed faith, confidence and trust in Defendants in conjunction with the care of [REDACTED] and Reflections' representations about its capability to provide a stable and safe therapeutic and scholastic boarding school environment.

51. Due to the nature of the school, i.e. a school in which limited communications are permitted with children, other students, and parents, and a high level of control is exercised by Defendants over the activities conducted within the school, there exists a special and unique relationship between students and their families, and Defendants, in which Defendants occupy a position of

1 unique power and control, and in which Plaintiffs lack control and are highly
2 dependent upon Defendants.

52. The foregoing factors establish a fiduciary relationship owed by Defendants to the [REDACTED] Family. This relationship creates a duty of the highest loyalty to the interests of the [REDACTED] Family.

53. Defendants breached fiduciary duties owed to the [REDACTED] Family.

54. Defendants' breaches of fiduciary duty caused Damages to the Family.

COUNT SIX (Exemplary Damages)

55. Plaintiffs reallege each of the other allegations of the Complaint as if fully set forth herein.

56. Defendants had knowledge of facts or intentionally disregarded facts that created a high probability of injury to the [REDACTED] Family.

57. Defendants deliberately proceeded to act with indifference to the high probability of injury to the [REDACTED] Family.

58. Defendants made representations about Reflections with knowledge of their falsity and/or concealed material facts such as the danger posed by unqualified personnel like Chaffin, with the purpose of depriving the [REDACTED] Family of property or otherwise causing them injury.

59. Additional conduct supporting exemplary damages may be determined to exist during discovery.

60. The [REDACTED] Family is entitled to an award of punitive damages against Defendants.

WHEREFORE, Plaintiffs respectfully pray for the following relief:

1. For an award of general damages against Defendants;
 2. For an award of special damages against Defendants;
 3. For an award of attorney's fees against Defendants;
 4. For an award of treble damages against Defendants;
 5. For an award of exemplary damages against Defendants; and
 6. For such further and other relief as this Court may deem just.

DATED this 19 day of December, 2018.

PAOLI LAW FIRM, P.C.

DAVID R. PAOLI
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues raised herein.

PAOLI LAW FIRM, P.C.

DAVID R. PAOLI
Attorneys for Plaintiffs